

NSPW Responses to Agency Comments dated November 13, 2008 on the
Revised Final Draft Feasibility Study (FS) Report
Dated October 24, 2008
Ashland/NSP Lakefront Superfund Site
November 21, 2008

EPA Region 5 Records Ctr.



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The following includes NSPW's responses to General and Specific Comments attached to USEPA's letter dated November 13, 2008. Responses to comments in the USEPA letter dated September 25, 2008 (received September 29, 2008) were submitted to USEPA on October 24, 2008 along with the Revised Final Draft Feasibility Study Report; that report submittal also included a redline-strikeout version of the May 2008 Revised Draft FS Report.

General Comments

Dredging Costs

In reviewing the costs for dredging, the wet dredge option seems to not take into account more than one pass. Technically it would be very difficult to meet the PRGs in just one pass. In areas where free product exists; wet dredge residuals will likely be difficult to control. Although "performance objectives" will be determined during remedial design it must be understood that the PRG is the goal. The wet dredge (SED-4) costs need to be re-calculated with the assumption that multiple passes will likely be required.

Response:

There is no mention of one pass dredging in the FS Report. The Ellis Avenue marina, Prentice Street boat launch and Kreher Park shoreline protect contaminated sediment on three sides. As described in previous documents, the affected area is relatively quiescent. Multi-pass dredging is typically required in dynamic environments in rivers and estuaries.

The management of wet dredge residuals will be described during the remedial design phase. PRGs will be used to develop performance objectives during this effort. NSPW understands that compliance with PRGs is the goal for successful remediation. The wet dredge (SED-4) cost estimates include contingencies. All cost estimates presented in the FS Report have been used to compare potential remedial responses. Actual costs are expected to be similar, and will be more accurately estimated for the selected remedial response during design. Consequently, there is no need to re-calculate the wet dredge (SED-4) costs.

Specific Comments:

Page ES-6

The new language is still confusing. As addressed in latter comments. It is difficult to understand the cost discrepancy between the wet and dry dredge options. Changes are included in the redline/strikeout version.

Response:

At the direction of USEPA on November 18, 2008, final edits have been made to the final FS Report to clarify the cost discrepancy between the wet and dry dredge options.

Pages 3-11 and 3-15

In 2 places in the discussion of risk it is stated, "Therefore, these unacceptable risks are most likely overstated". Please remove this language. This is confusing to the reader and undermines the HHRA.

Response:

As directed by USEPA, the above statement has been removed from Section 3.2.2 on Page 3-15 in two locations.

However, NSPW disagrees that this language is confusing and undermines the HHRA. The above statement is consistent with Section 9.1.3 of the RI Report, which includes the following statement. "Therefore, risks to this receptor population from soil exposure are most likely overstated."

Please note there is no discussion of unacceptable risk on page 3-11 of the FS (Section 3.1.5.1 Historical Setting Summary and 3.1.5.2 – Contaminant Sources and Disposition).

Page 8-5, Section 8.3.2.3

Remove that CDFs are "often" used to contain contaminated sediments.

Response:

As directed by USEPA, the statement in Section 5.3.2.3 has been modified by replacing "are often" with "may be."

Page 8-27

Explain why the statement, "The controls will be kept in place until it is demonstrated that the water in the remediation area does not pose any risk." was deleted. EPA inserted the same language that was added to the last paragraph in the Executive Summary.

Response:

At the direction of USEPA on November 18, 2008, language in this section and in the Executive Summary will include the following statement:

"Therefore, the engineered barriers containing water will have to be maintained during the period the water does not meet the release criteria. This may result in significant delay for removal of the barrier wall and completion of the remedy."

Page 8-67, Section 8.5.2, Compliance with ARARs and TBCs

Deleted sections should be put back in. The deleted language explains the ARARs issues as they pertain to lake bed fill.

Response:

As directed by USEPA, the language in section 8.5.2 explaining the ARARs issues as they pertain to the lake bed fill that was deleted from the final draft has been reinserted in the final FS Report. The entire paragraph reads as follows:

“Alternatives SED-2 and SED-3 would require placement of a structure or deposit on the bed of navigable waters. The placement of a structure or deposit must not be detrimental to the public interest, must not materially reduce the flood flow capacity of a stream, and must not materially obstruct navigation. A cap or confined disposal facility on the bed of Lake Superior clearly does not meet these requirements for approval and cannot be permitted by the Department under Section 30.12, WI Statutes. A bulkhead line may be established under Section 30.11, Stats, however that bulkhead line must be in the public interest and shall conform as nearly as practicable to the existing shoreline. The proposed confined disposal facility SED-2 would not follow the shoreline and would not meet the public interest standards and therefore cannot be established using this statutory authority.”

Figure 3-1

Remove green line that crosses the mouth of the ravine.

Response:

As directed by USEPA, the green line crossing the mouth of the ravine has been removed from this figure.

Figure 3-7

Where is the green line indicating free product in the filled ravine?

Response:

As directed by USEPA, the line showing the extent of free product in the filled ravine is shown in green on this figure; the line was previously shown as a blue line on the figure and as a green line in the legend.

Figure 3-8

Need to add the extent of LNAPL to drawing.

Response:

As directed by USEPA, the lateral extent of LNAPL encountered in soil borings and test pits has been added to this figure.

Figure 6-1

Need to add DNAPL hits at MW-26.

Response:

As directed by USEPA, a footnote has been added to this Figure to clarify that DNAPL was encountered at MW-26 in August 2008. DNAPL was not previously encountered at this location. This well was installed in May 2004 as part of the remedial investigation. DNAPL was not encountered when samples were collected from this well during the RI.

Figures 8-13, 14 and 18

Why is the containment barrier wall for Kreher Park shown so far inland? It needs to follow the shore line as free product exists in the area of the WWTP and MW-26. These figures are not consistent with figures depicting the Kreher Park remedies.

Response:

As directed by USEPA, footnotes have been added to these figures stating "The exact location of the barrier wall will be determined during the remedial design phase."

The following comment was added by a USEPA reviewer to Tables 6-8 and 7-7 in the edited version received on November 13th:

For all alternatives soil, sediment, and groundwater the engineering and construction oversight combined are each approximately 15% of the capital cost. According to the U.S. EPA Guide to Developing and Documenting Cost Estimates during the Feasibility Study, it is recommended as a rule of thumb to use 5% of the capital cost for project management, 6% for design, and 6% for construction management applied to projects with a capital cost greater than \$10 million. Revise all costs to reflect this.

Response

Based on personal communication on November 20, 2008 between Scott Hansen of USEPA and Jerry Winslow of NSPW, the 15 percent fraction of the capital costs for engineering and oversight presented in the FS will remain. This 15 percent fraction was added to show consistency between all alternatives.